

1 MICHAEL LEHNERS, ESQ.  
2 429 Marsh Ave.  
3 Reno, Nevada 89509  
4 Nevada Bar Number 003331  
5 (775) 786-1695  
6 email michaellehners@yahoo.com  
7 Attorney for Plaintiff Chapter 7 Trustee  
8 Christopher P. Burke

6/7/23

6 UNITED STATES BANKRUPTCY COURT  
7 DISTRICT OF NEVADA

8 oOo

9 BK-N- 20-50660-GS  
10 CHAPTER 7

11 IN RE

12 METAL RECOVERY SOLUTIONS,  
13 INC., aka MRS, INC,

14 Debtor(s).  
15 \_\_\_\_\_/

Hearing Date: \_\_\_\_\_  
and Time: \_\_\_\_\_  
Mtn No. \_\_\_\_\_

NOTICE OF EXTENSION OF TIME FOR  
EMPIRE CAPITAL MANAGEMENT, LLC TO  
TENDER THE \$2,500,000 PURSUANT TO  
THIS COURT'S MAY 5, 2023 ORDER  
APPROVING TRUSTEE'S MOTION TO  
APPROVE SALE OF CLAIMS AND OTHER  
BANKRUPTCY ESTATE ASSETS (ECF 317)

16 Chapter 7 Trustee, Christopher P. Burke, by and through his counsel, Michael Lehnars,  
17 Esq. files the following Notice of Extension of Time for Empire Capital Management, LLC to  
18 tender the \$2,500,000 pursuant to this Court's May 5, 2023 Order Approving Trustee's Motion  
19 to Approve Sale of Claims and Other Bankruptcy estate Assets (ECF 317).  
20

21 Pursuant to this Court's May 5, 2023 Order, Element Global Inc (referred to as  
22 Element) was obligated to tender the \$2,500,000 purchase price by May 26, 2023. Element  
23 requested a brief extension from May 26 to June 5, 2023. The Trustee consented to this short  
24 extension on the express condition that both JEX Technologies Corp., (referred to as Jex) and  
25 Dr. Seal consent to be bound to pay their collective backup bid of \$2,450,000 should Element  
26 fail to pay by June 5, 2023. This consent was placed in writing and signed by the respective  
27 attorneys for Element, Jex and Dr. Seal.  
28

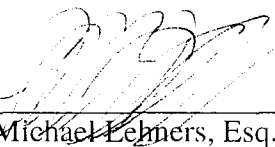
1 On June 5, 2023 Element requested a second extension from June 5, 2023 to June 30,  
2 2023. The Trustee consented on the following conditions:

- 3 1. Element shall immediately pay the Chapter 7 Trustee the sum of \$50,000,  
4 which will be applied to the \$2,500,000 purchase price.  
5 2. Should element fail to pay the \$2,450,000 balance by June 30, 2023 the  
6 \$50,000 is non-refundable and may be kept by the Trustee.  
7 3. Jex and Dr. Seal shall consent in writing to be bound to pay their collective  
8 backup bid of \$2,450,000 should Element fail to pay by June 30, 2023.

9 On June 6, 2023 Element sent by Federal Express a certified check for \$50,000 which  
10 was received June 7, 2023. On June 6, 2023 Jex and Dr. Seal consented in writing to be bound  
11 to pay their collective backup bid of \$2,450,000 should Element fail to pay by June 30, 2023.

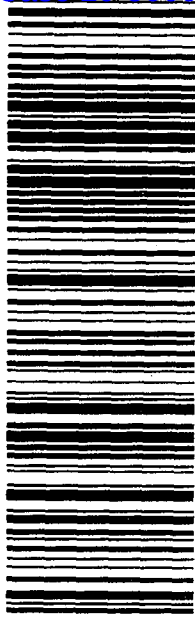
12 A copy of the certified check and the written consent of Jex and Dr. Seal are attached  
13 hereto as Exhibit "I".

14  
15 Dated: This 7 day of June, 2023

16  
17 By:   
18 Michael Lehnert, Esq.  
19 429 Marsh Ave.  
20 Reno, Nevada 89509  
21 Nevada Bar Number 003331  
22  
23  
24  
25  
26  
27  
28

# Exhibit 1

# Exhibit 1

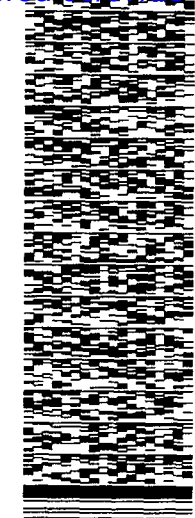


WQ RNOA

89509  
NV-US RNO

TRK 3992 9076 9628

WED - 07 JUN 10:30A  
PRIORITY OVERNIGHT



RENO NV 89509

REF:

DEPT:

429 MARSH AVE

MICHAEL C LEHNERS

ORIGIN ID: CIBA (310) 985-1161  
ELEMENT GLOBAL  
1222 MILLENNIUM DR  
B 229  
PLAYA VISTA, CA 90094  
UNITED STATES US

SHIP DATE: 06 JUN 23  
ACTWT: 0.10 LB  
CAD: 006894899/SFE2421  
BILL CREDIT CARD

Part # 156297 455 89509 RNO 05/24



PRINTED ON LINE MARK PAPER. HOLD TO LIGHT TO VIEW. FOR ADDITIONAL SECURITY FEATURES SEE BACK.

CASHIER'S CHECK

1155702353

0011557  
Office AU #

11-24  
1210(8)

Remitter: ELEMENT GLOBAL INC.  
Operator I.D.: u617869 u435156

June 6, 2023

PAY TO THE ORDER OF \*\*\*CHAPTER 7 TRUSTEE CHRISTOPHER BURKE\*\*\*

\*\*Fifty Thousand and 00/100 -US Dollars \*\*

\*\*\$50,000.00\*\*

Payee Address: 526 LANDER STREET RENO NV 89509- US  
Memo: CASE NO. 20-50660-GS

WELLS FARGO BANK, N.A.  
12746 W JEFFERSON BLVD  
PLAYA VISTA, CA 90094  
FOR INQUIRIES CALL (480) 394-3122

VOID IF OVER US \$ 50,000.00

Authorized Signature

1155702353 12100024814861 5114831

Align

Security Features Included. Details on Back.

June 6, 2023

*Sent Via Email ([mcl3303@aol.com](mailto:mcl3303@aol.com) and [michaellehners@yahoo.com](mailto:michaellehners@yahoo.com))*

Michael C. Lehnerns, Esq.  
429 Marsh Ave.  
Reno, NV 89509

Re: *In re Metal Recovery Solutions, Inc.* Case No. BK-N-20-50660-GS

Dear Mike:

This is the second letter designed to provide written consent by JEX Technologies, Inc. ("JEX") and Dr. Thom Seal, as the back-up bidders, for an extension of time for Element Global, Inc. ("Element"), the prevailing bidder, to perform and pay its \$2,500,000 purchase money to the Chapter 7 Trustee under the Order Approving Trustee's Motion for Sale of Claims and Other Bankruptcy Estate Assets entered on May 5, 2023 (Doc. 317) ("Sale Order").

The Sale Order provides in pertinent part:

IT IS FURTHER ORDERED that Element Global, Inc., shall pay the purchase price of \$2,500,000 in cash within five (5) business days of this Order becoming final and nonappealable.

IT IS FURTHER ORDERED that JEX Technologies Corp., and Dr. Seal are the backup bidders in the amount of \$2,450,000 (\$2,300,000 by Jex Technologies Corp., \$150,000 by Dr. Seal) on the same terms as Element Global, Inc., in the event that Element Global, Inc., does not complete the purchase under the terms of this Order. In that event, then Jex Technologies Corp., and Dr. Seal shall pay their backup bid within five (5) business days of the Chapter 7 Trustee's email to all parties to this Order providing notice of Element Global, Inc.'s failure to perform.

Element already obtained an extension through June 5, 2023 with JEX's and Dr. Seal's consent. Amy Tirre, Esq., counsel for Element, reached out to us again and requested further extension through and including June 30, 2023 for Element to perform. It is our understanding that Element has offered and the Trustee has accepted Element's offer to pay \$50,000 to the Trustee for the extension through June 30, 2023 as long as: (1) the \$50,000 is applied to the \$2,500,000 purchase price; (2) the \$50,000 is nonrefundable if Element fails to close by June 30, 2023; and (3) JEX and Dr. Seal consent to the extension through June 30, 2023 and agree to be bound as back up bidders under the Sale Order.

Both JEX and Dr. Seal hereby consent to an extension through and including Friday, June 30, 2023 for Element to perform under the Sale Order. JEX and Dr. Seal further consent and agree that the extension to Element does not alter their obligation to perform under the Sale Order, specifically, they are still bound by the Sale Order and remain back up bidders in the amount of

\$2,450,000 and shall pay their back up bid within five (5) business days of the Chapter 7 Trustee's email to all parties to the Sale Order providing notice of Element's failure to perform.

Please confirm receipt and that the Chapter 7 Trustee consents and agrees to the extension for Element to pay the \$2,500,000 purchase price through and including June 30, 2023.

Sincerely,

FOLEY & LARDNER, LLP

Ellen E. Ostrow, Esq.

*Counsel for JEX Technologies, Inc.*

Sincerely,

FLETCHER & LEE

Elizabeth Fletcher, Esq.

*Counsel for Dr. Thom Seal*

Reviewed and Agreed to by:

A handwritten signature in black ink, appearing to read "Amy Tirre", with a large, stylized loop at the end.

Amy N. Tirre, Esq.

*Counsel for Element Global, Inc.*

cc: Clients (via email)

June 6, 2023

*Sent Via Email ([mcl3303@aol.com](mailto:mcl3303@aol.com) and [michaellehners@yahoo.com](mailto:michaellehners@yahoo.com) )*

Michael C. Lehnars, Esq.  
429 Marsh Ave.  
Reno, NV 89509

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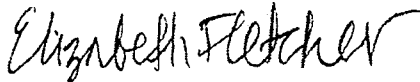
FOLEY & LARDNER, LLP

Ellen E. Ostrow, Esq.

*Counsel for JEX Technologies, Inc.*

Sincerely,

FLETCHER & LEE

A handwritten signature in black ink that reads "Elizabeth Fletcher". The signature is written in a cursive, flowing style.

Elizabeth Fletcher, Esq.

*Counsel for Dr. Thom Seal*

Reviewed and Agreed to by:

Amy N. Tirre, Esq.

*Counsel for Element Global, Inc.*

cc: Clients (via email)



June 6, 2023

*Sent Via Email ([mcl3303@aol.com](mailto:mcl3303@aol.com) and [michaellehners@yahoo.com](mailto:michaellehners@yahoo.com) )*

Michael C. Lehnerns, Esq.  
429 Marsh Ave.  
Reno, NV 89509

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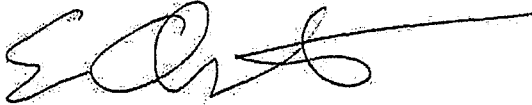
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Please confirm receipt and that the Chapter 7 Trustee consents and agrees to the extension for Element to pay the \$2,500,000 purchase price through and including June 30, 2023.

Sincerely,

FOLEY & LARDNER, LLP

A handwritten signature in black ink, appearing to be "E. Ostrow", with a long horizontal line extending to the right.

Ellen E. Ostrow, Esq.

*Counsel for JEX Technologies, Inc.*

Sincerely,

FLETCHER & LEE

Elizabeth Fletcher, Esq.

*Counsel for Dr. Thom Seal*

Reviewed and Agreed to by:

Amy N. Tirre, Esq.

*Counsel for Element Global, Inc.*

cc: Clients (via email)

**CERTIFICATE OF SERVICE BY MAIL**

Pursuant to Federal Rule of Civil Procedure 5(b), I certify that on the 7<sup>th</sup> day of June, 2023 I deposited for mailing in the United States Post Office in Reno, Nevada, with postage thereon fully prepaid, a true copy of the within **NOTICE OF EXTENSION OF TIME FOR EMPIRE CAPITAL MANAGEMENT, LLC TO TENDER THE \$2,500,000 PURSUANT TO THIS COURT'S MAY 5, 2023 ORDER APPROVING TRUSTEE'S MOTION TO APPROVE SALE OF CLAIMS AND OTHER BANKRUPTCY ESTATE ASSETS (ECF 317)** addressed as follows:

Amy Tirre, Esq.  
3715 Lakeside Drive  
Suite A  
Reno, NV 89509

Seth Adams, Esq.  
Woodburn and Wedge  
P. O. Box 2311  
Reno, NV 89505

Elizabeth Fletcher, Esq.  
Fletcher & Lee  
448 Ridge St.  
Reno, NV 89501

L. Edward Humphrey, Esq.  
Humphrey Law PLLC  
201 W. Liberty St, Ste 350  
Reno, Nv 89501

Louis M. Bubala, III  
KAEMPFER CROWELL  
50 W. Liberty Street, Suite 700  
Reno, Nevada 89501

Ellen E. Ostrow, Esq.  
Foley & Lardner LLP  
95 S State Street, Suite 2500  
Salt Lake City, UT 84111

U.S. Trustee  
300 Booth Street. Room 3009  
Reno, NV 89509

In addition a copy of the attached document was served to all registered participants in this case through the court's ECF system upon filing.

  
Dolores Stigall